



ORDERED in the Southern District of Florida on November 24, 2020.

A handwritten signature in black ink that reads "Mindy A. Mora".

Mindy A. Mora, Judge
United States Bankruptcy Court

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA.
WEST PALM BEACH DIVISION
www.flsb.uscourts.gov**

IN RE:

**CASE NO.: 19-24278 MAM
Chapter 7**

**ROBERT E. OKON
JUDITH LYNNE OKON**

Debtors.

**ORDER SETTING EVIDENTIARY HEARING BY VIDEO CONFERENCE
AND ESTABLISHING RELATED DEADLINES [ECF NOS. 117 AND 126]**

THIS MATTER came before the Court upon the Trustee's Application for Turnover (the "Application") [ECF No. 117] and the Debtors' Motion to Dismiss (the "Motion") [(ECF No. 126] and any related response(s). Counsel for Trustee, Michael R. Bakst, ("Movant(s)") and Debtors, Robert E. Okon and Judith Lynne Okon ("Respondent(s)"), that the court having determined that the matters are ready to proceed with an evidentiary hearing. Accordingly, the Court **ORDERS** as follows:

1. **HEARING; SERVICE.** The Court will conduct an evidentiary hearing on December 16, 2020 at 1:30 p.m. Movant(s) shall serve a copy of this Order on all appropriate parties and file a certificate of service thereof as required by this Court's local rules.
2. **VIDEO CONFERENCE PROCEDURES.** The parties are DIRECTED to comply with the *General Procedures for Hearings by Video Conference* found on Judge Mora's webpage at www.flsb.uscourts.gov. To the extent that the procedures on Judge Mora's web page conflict with the instructions in this Order, this Order shall govern.
3. **REGISTRATION TO PARTICIPATE IN HEARING BY VIDEO CONFERENCE; LIMIT ON PARTICIPATION BY VIDEO.** All parties wishing to participate in the hearing by video conference shall provide notice to Judge Mora's Courtroom Deputy, Maria Romaguera, solely via email at Maria.Romaguera@flsb.uscourts.gov, no later than **4:00 p.m. four (4) business days before the hearing.** The Court will provide to each approved party a password-protected link to the appropriate Zoom video conference.
4. **PUBLIC ACCESS.** Any person wishing to listen to the hearing by telephone must contact Maria Romaguera, solely by email at Maria.Romaguera@flsb.uscourts.gov to obtain dial-in instructions by no later than 3:00 p.m. at least two (2) business days prior to the date of the hearing. The Court cannot process untimely requests.
5. **EXCHANGE OF EXHIBITS AND WITNESS LISTS.**

In accordance with Local Rule 9070-1, a complete set of exhibits shall be exchanged with opposing counsel and filed with the Court according to the schedule and specifications set forth below. The number of days specified below is the minimum number of business days prior to the hearing by which the documents must be exchanged or submitted, as applicable. All submissions must occur **by 4:00 p.m.** on the specified date.

| Event | Number of Business Days Prior to Hearing |
|--|--|
| Exhibits exchanged and filed pursuant to Local Rule 9070-1 | 4 |
| Witness Lists | 4 |
| Expert Reports | 4 |
| Objections to Exhibits | 2 |
| Joint Stipulation of Facts | 2 |

A. Exhibits:

- (1) Parties must exchange set of pre-marked exhibits (including summaries) intended to be offered as evidence at the evidentiary hearing. All exhibits must include the party's role in the matter or adversary proceeding (i.e., "plaintiff" or "movant") and be sequentially numbered. When exhibits are exchanged electronically, Movant(s) and Respondent(s) shall also include a short descriptive name of each exhibit, e.g., "mortgage", "note", or "letter dated xx/xx/xxxx" in the file name of each exhibit.
- (2) Presentation and exchange of exhibits shall conform to Local Rule 9070-1. As noted in Local Rule 9070-1, counsel representing any party shall submit the exhibits and exhibit register via CM/ECF, while a party not represented by counsel shall email the documents to the Clerk of Court at ProSeExhibits@flsb.uscourts.gov, listing the appropriate case or adversary number and the date of the evidentiary hearing in the reference line of the email. The exhibits so filed shall constitute the official exhibits in this matter.
- (3) With regard to any summary the party will offer in evidence at the hearing, the submitting party must provide a notice of the location(s) of the books, records, and the like, from which each summary has been made, and the reasonable times when they may be inspected and copied by adverse parties.
- (4) Each party must prepare a separate exhibit register based upon the Local Form Exhibit Register (LF-49), a Word version of which is available on the Court's website.

B. Witness Lists:

Each party presenting witnesses must provide all other parties with a list showing the name and, if not previously provided, the address and telephone number of each witness that the party may call at the hearing other than solely for impeachment.

C. Objections to Exhibits:

Any objection to the admissibility of any proposed exhibit, including any deposition transcript or recording (audio or video) or any summary must be submitted pursuant to the deadlines set forth above. The objection must (i) identify the exhibit, (ii) briefly state the grounds for the objection, and (iii) provide citations to case law and other authority in support of the objection. An objection not so made—except for one under Federal Rule of Evidence 402 or 403—is waived unless excused by the Court for good cause.

D. Expert Reports:

If expert reports are to be used at the Hearing, the parties shall exchange such reports pursuant to the deadlines set forth above.

E. Joint Stipulation:

The respective parties shall file a joint stipulation of uncontested facts on or before the deadline set forth above. Counsel for all parties shall sign the stipulation of uncontested facts. The failure of counsel to prepare and submit the joint stipulation may result in sanctions. **THIS SUBPARAGRAPH SHALL NOT APPLY IF ONE OF THE RESPECTIVE PARTIES IS SELF-REPRESENTED AND IS UNWILLING OR UNABLE TO ENTER INTO THE JOINT STIPULATION.**

6. **FINAL ARGUMENT.** At the conclusion of the hearing, in lieu of final argument, the Court may request that each party file a proposed order with findings of fact and conclusions of law.
7. **SETTLEMENT.** If the contested matter is settled, the parties shall submit to the Court a stipulation approved by all parties and a motion for approval of the same prior to the date of the hearing. If a stipulation and motion are not submitted to the Court, all parties shall be prepared to proceed with the hearing. If the contested matter is removed from the calendar based upon the announcement of a settlement, the contested matter will not be reset for hearing if the parties fail to consummate the settlement. In such event, the Court will consider only a motion to enforce the settlement, unless the sole reason the settlement is not consummated is that the Court did not approve the settlement, in which case the matter will be reset for hearing at a later date.
8. **SANCTIONS.** Failure to appear at the hearing or to comply with any provision of this order may result in appropriate sanctions, including the award of attorney's fees, striking of papers, or the exclusion of exhibits or witnesses.
9. **CONTINUANCES.** Continuances of the hearing or any deadlines set forth in this order must be requested by written motion. Any request for continuance or amendment to this order shall set forth the status of discovery and shall state the reasons why the party or parties seek a continuance.

###

Copy to:

MICHAEL R. BAKST, ESQ.

525 Okeechobee Blvd., Suite 900

West Palm Beach FL 33401

Telephone: (561) 838-4523

Email: michael.bakst@gmlaw.com

Attorney Michael R. Bakst shall immediately serve this Order upon all interested parties and file a certificate of service with the Court that conforms with Local Rule 2002-1(F).